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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Crabtree et al.

Serial No: 09/466,568

Filed: December 17, 1999

For: REGULATED TRANSCRIPTION  
OF TARGETED GENES AND  
OTHER BIOLOGICAL EVENTS

Attorney Docket No. APBI-P16-316

Art Unit: 1636

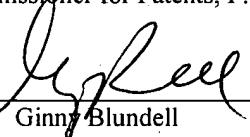
Examiner: T. McKelvey

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O Box 1450, Alexandria, Virginia 22313-1450 on the date indicated below:

February 20, 2004

Date of Signature  
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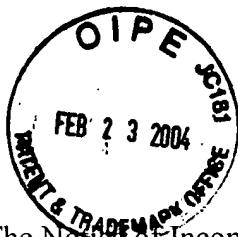
  
Ginny Blundell

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Supplemental Response

Sir:

This paper is being filed in reply to the Notice of Incomplete Reply, mailed February 9, 2004, in connection with the above application.



### REMARKS

The Notice of Incomplete Reply was issued because Applicants' allegedly failed to respond to the outstanding double patenting rejection. The Examiner alleges that Applicants' qualification concerning the filing of a terminal disclaimer "if necessary" is unresponsive. Applicants' thank the Examiner for courtesies extended during an informal conversation held on February 20, 2004, and Applicants summarize the substance of this conversation below.

Applicants note that the previously filed amendments accompanied a Request for Continued Examination (RCE). Given that there is no requirement that an RCE address each and every point raised in a previous Office Action, the issuance of a Notice of Incomplete Reply is moot. Accordingly, this application is in an appropriate condition for continued prosecution based on the RCE and amendments filed November 25, 2003.



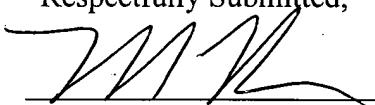
### CONCLUSION

In view of the foregoing remarks, Applicants submit that the previously filed reply is fully responsive, and that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,

Date: February 20, 2004

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